

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

UNITED COMMUNITY BANK, INC,

Plaintiff,

v.

DPSG ENTERPRISES, LLC, a New York
limited liability company; PHILIP J.
MORACI, III, an individual resident of the
State of New York, and DANA E. MORACI,
an individual resident of the State of New
York,

Defendants.

STIPULATION OF VOLUNTARY
DISMISSAL PURSUANT TO
FED. R.CIV.P.41

Civ. No. 1:21-CV-0046 FJS/TWD

WHEREAS, Plaintiff, United Community Bank, Inc. (“Plaintiff”), commenced this action against Defendants, DPSG Enterprises, LLC, a New York limited liability company; Philip J. Moraci, III, an individual resident of the State of New York, and Dana E. Moraci, an individual resident of the State of New York (collectively “Defendants” and with Plaintiff “Parties”), seeking to recover damages pursuant to various claims for breach of contract and unjust enrichment as set forth in the Complaint filed in this action on January 14, 2021; and

WHEREAS, the Parties filed a Notice of Settlement with the court on August 1, 2023 and have since filed a second Notice of Settlement on October 13, 2023 stating that the settlement, terms and conditions have been satisfied and the Parties request that the Complaint be dismissed with prejudice; and

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by the Parties through their respective counsel, pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure, that United Community Bank, Inc. claims under the Complaint against Defendants DPSG Enterprises, LLC, a New York limited liability company; Philip J. Moraci, III, an individual

resident of the State of New York, and Dana E. Moraci, an individual resident of the State of New York are dismissed with prejudice, and without costs or attorney's fees to any party.

Dated: Chicago, IL
October 31, 2023

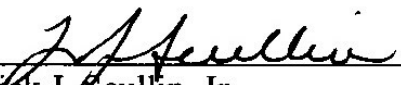
By: /s/ Edmond M. Burke
Edmond M. Burke (Bar Roll #703414)
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Attorney for United Community Bank, Inc.

Dated: Albany, NY,
October 31, 2023

By: /s/ Jon E. Cain
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Attorney for Defendants DPSG Enterprises, LLC; Philip J. Moraci, III and Dana E. Moraci

SO ORDERED

DATE: November 2, 2023



Frederick J. Scullin, Jr.
Senior United States District Judge